

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HOUSE BILL 2248

AN ACT

AMENDING SECTIONS 15-187, 15-536 AND 15-538.01, ARIZONA REVISED STATUTES;
RELATING TO SCHOOL PERSONNEL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-187, Arizona Revised Statutes, is amended to
3 read:

4 15-187. Charter schools: teachers: employment benefits:
5 contract acceptance

6 A teacher who is employed by or teaching at a charter school and
7 who was previously employed as a teacher at a school district shall not lose
8 any right of certification, retirement or salary status or any other benefit
9 provided by law, by the rules of the governing board of the school district
10 or by the rules of the board of directors of the charter school due to
11 teaching at a charter school on the teacher's return to the school district.

12 B. A teacher who is employed by or teaching at a charter school and
13 who submits an employment application to the school district where the
14 teacher was employed immediately before employment by or at a charter school
15 shall be given employment preference by the school district if both of the
16 following conditions are met:

17 1. The teacher submits an employment application to the school
18 district no later than three years after ceasing employment with the school
19 district.

20 2. A suitable position is available at the school district.

21 C. A charter school that is sponsored by a school district governing
22 board, the state board of education or the state board for charter schools is
23 eligible to participate in the Arizona state retirement system pursuant to
24 title 38, chapter 5, article 2. The charter school is a political
25 subdivision of this state for purposes of title 38, chapter 5, article 2.

26 D. UNLESS A TEACHING POSITION SPECIFICALLY REQUIRES A TEACHER TO
27 PROVIDE INSTRUCTION TO PUPILS IN AT LEAST ONE FOREIGN LANGUAGE COURSE FOR
28 WHICH ACADEMIC CREDIT IS AWARDED, A CHARTER SCHOOL SHALL NOT REQUIRE A
29 TEACHER OR AN APPLICANT FOR A TEACHING POSITION TO SPEAK OR UNDERSTAND A
30 LANGUAGE OTHER THAN ENGLISH AS A CONDITION OF EMPLOYMENT, PROMOTION OR
31 RETENTION OF EMPLOYMENT.

32 Sec. 2. Section 15-536, Arizona Revised Statutes, is amended to read:

33 15-536. Offer of contract to certificated teacher who has not
34 been employed more than three consecutive school
35 years; acceptance; notice to teacher of intention not
36 to reemploy

37 A. Subject to ~~the provisions of~~ sections 15-539, 15-540, 15-541,
38 15-544 and 15-549, the governing board ~~shall~~, between March 15 and May 15,
39 ~~SHALL~~ offer a teaching contract for the next ensuing school year to each
40 certificated teacher who has not been employed by the school district for
41 more than the major portion of three consecutive school years and who is
42 under a contract of employment with the school district for the current
43 school year, unless, on or before April 15, the governing board, a member of
44 the board acting on behalf of the board or the superintendent of the school
45 district gives notice to the teacher of the board's intention not to offer a

1 teaching contract, unless such teacher has been dismissed pursuant to section
2 15-538, 15-539, 15-541 or 15-544. The teacher's acceptance of the contract
3 for the ensuing year must be indicated within thirty days from the date of
4 the written contract or the offer is revoked. The teacher accepts the
5 contract by signing the contract and returning it to the governing board or
6 by making a written instrument which accepts the terms of the contract and
7 delivering it to the governing board. If the written instrument includes
8 terms in addition to the terms of the contract offered by the board, the
9 teacher fails to accept the contract.

10 B. Notice of the board's intention not to reemploy the teacher shall
11 be by delivering it personally to the teacher or by sending it by registered
12 or certified mail bearing a postmark of on or before April 15, directed to
13 the teacher at ~~his~~ THE TEACHER'S place of residence as recorded in the school
14 district records. The notice shall incorporate a statement of reasons for
15 not reemploying the teacher. If the reasons are charges of inadequacy of
16 classroom performance as defined by the governing board pursuant to section
17 15-539, subsection D, the board, ~~or~~ its authorized representative, ~~shall~~, at
18 least ninety days prior to ~~such~~ THE notice, SHALL give the teacher written
19 preliminary notice of ~~his~~ THE TEACHER'S inadequacy, specifying the nature of
20 the inadequacy with such particularity as to furnish the teacher an
21 opportunity to correct ~~his~~ THE TEACHER'S inadequacies and overcome the
22 grounds for ~~such~~ THE charge. The governing board may delegate to employees
23 of the governing board the general authority to issue preliminary notices of
24 inadequacy of classroom performance to teachers pursuant to this subsection
25 without the need for prior approval of each notice by the governing
26 board. In all cases in which an employee of the governing board issues a
27 preliminary notice of inadequacy of classroom performance without prior
28 approval by the governing board, the employee shall report its issuance to
29 the governing board within five school days. The written notice of intention
30 not to reemploy shall include a copy of any evaluation pertinent to the
31 charges made and filed with the board.

32 C. Nothing in this section shall be construed so as to provide a
33 certificated teacher who has not been employed by the school district for
34 more than the major portion of three consecutive school years and who has
35 received notice of the board's intention not to offer a teaching contract
36 with the right to a hearing pursuant to ~~the provisions of~~ section 15-539,
37 subsection G.

38 D. UNLESS A TEACHING POSITION SPECIFICALLY REQUIRES A TEACHER TO
39 PROVIDE INSTRUCTION TO PUPILS IN AT LEAST ONE FOREIGN LANGUAGE COURSE FOR
40 WHICH ACADEMIC CREDIT IS AWARDED, A SCHOOL DISTRICT SHALL NOT REQUIRE A
41 TEACHER OR AN APPLICANT FOR A TEACHING POSITION TO SPEAK OR UNDERSTAND A
42 LANGUAGE OTHER THAN ENGLISH AS A CONDITION OF EMPLOYMENT, PROMOTION OR
43 RETENTION OF EMPLOYMENT.

1 Sec. 3. Section 15-538.01, Arizona Revised Statutes, is amended to
2 read:

3 15-538.01. Offer of contract to certificated teacher employed
4 more than three consecutive school years;
5 acceptance

6 A. Subject to ~~the provisions of~~ sections 15-539, 15-540, 15-541,
7 15-544 and 15-549, the governing board ~~shall~~, between March 15 and May 15,
8 **SHALL** offer to each certificated teacher who has been employed by the school
9 district for more than the major portion of three consecutive school years
10 and who is under contract of employment with the school district for the
11 current year a contract renewal for the next ensuing school year unless on or
12 before May 15 the governing board, a member of the board acting on behalf of
13 the board or the superintendent of the school district gives notice to the
14 teacher of the board's intent not to offer a contract and to dismiss the
15 teacher as provided in section 15-539.

16 B. The teacher's acceptance of the contract must be indicated within
17 thirty days from the date of the written contract or the offer of a contract
18 is revoked. The teacher accepts the contract by signing the contract and
19 returning it to the governing board or by making a written instrument which
20 accepts the terms of the contract and delivering it to the governing
21 board. If the written instrument includes terms in addition to the terms of
22 the contract offered by the board, the teacher fails to accept the contract.

23 C. If dismissal proceedings in reference to the teacher cannot be
24 completed by May 15 through no fault of the governing board or the
25 superintendent, or if the incidents relied on in whole or in part occurred
26 after May 15, dismissal proceedings may continue or be initiated.

27 D. UNLESS A TEACHING POSITION SPECIFICALLY REQUIRES A TEACHER TO
28 PROVIDE INSTRUCTION TO PUPILS IN AT LEAST ONE FOREIGN LANGUAGE COURSE FOR
29 WHICH ACADEMIC CREDIT IS AWARDED, A SCHOOL DISTRICT SHALL NOT REQUIRE A
30 TEACHER TO SPEAK OR UNDERSTAND A LANGUAGE OTHER THAN ENGLISH AS A CONDITION
31 OF EMPLOYMENT, PROMOTION OR RETENTION OF EMPLOYMENT.